

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK ANTHONY REED-BEY,

Plaintiff,

No. 13-10168

v.

District Judge Avern Cohn
Magistrate Judge R. Steven Whalen

CORRECTIONS OFFICER LEWIS,
ET AL.,

Defendants.

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ORDER

Before the Court is Plaintiff's Motion for Leave to File Supplemental Pleading [Doc. #11], in which he seeks to add Defendants Virgil Webb and Vaughn Stewart and a new claim of denial of access to the courts against these Defendants. In a document titled Information Concerning Supplemental Filing [Doc. #17], filed on November 25, 2013, Plaintiff states that he did not name these Defendants or bring this claim earlier because he had not completed exhausting his administrative remedies against them.

Under the Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), a plaintiff must exhaust a claim against a defendant before filing the complaint. *Freeman v. Francis*, 196 F.3d 641, 645 (6th Cir. 1999). "A prisoner may not exhaust administrative remedies during the pendency of a federal suit." *Allison v. Martin*, 2011 WL 1464582, *2 (E.D.Mich. 2011)(Ludington, J.)(citing *Freeman*). In his proposed amended, or

supplemental pleading, Plaintiff brings a new, previously unarticulated claim against two previously unnamed and unexhausted Defendants, contrary to what is permissible under the PLRA and *Freeman*. If he has now exhausted his administrative remedies against these two Defendants, his recourse is to file a new complaint.

For these reasons, Plaintiff's motion [Doc. #11] is DENIED.

IT IS SO ORDERED.

Dated: February 11, 2014

R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on February 11, 2014, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable R. Steven Whalen